UNITED STATES PATENT AND TRADEMARK OFFICE

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09/752,925	01/02/2001	Dauna R. Williams	056205-5001US	1241

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/752,925
Filing Date: January 02, 2001
Appellant(s): WILLIAMS, DAUNA R.

Suraj K. Balusu
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/19/2011 appealing from the Office

action mailed 12/17/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 18-20 and 22-48 are pending in this application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,134,531	TREWITT	10-2000
2004/0177002	ABELOW	9-2004
6,968,565	SLANEY	11-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18-20, 22-45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Trewitt el al. (6,134,531 hereinafter Trewitt) in view of Abelow (2004/0177002

hereinafter Abelow).

With respect to claims 18, 19-20, 22, 24, 27 Trewitt teaches a computer

processor selectively programmed to provide an electronic query to a member of an

audience a current episode for a show, wherein said show comprises a series of

episodes having a common theme and characters with subsequent episodes advancing

a story line of said show, (i.e. the system receives feedback from viewers of a broadcast

program, the program having different segments and using the user's reactions over

time for program variations)(line 1, lines 64 to col. 2, lines 1-5);

A computer processor selectively programmed for receiving and storing in memory said feedback messages (i.e. the gathering the feedback and storing it in order to use it over time in different segment of the program)(col. 2, lines 2-5 and col. 5, lines 39-44);

A computer processor selectively programmed for aggregating a plurality of collected feedback messages into data and electronically analyzing said data to provide a report that is utilized in development of the story line and/or characters in one or more subsequent future episodes for said show and wherein said processors may be one processor or a plurality of interconnected processors (i.e. taken client's feedback /responses/reactions overtime in order to develop variations of the program/show)(col. 2, lines 2-5).

With respect to said query provided by way of a multi-tier questions hierarchy comprising separate tiers of questions, each questions assigned to a tier based on when chronologically the response generated by the question can be integrated into said story. Trewitt teaches the response of the questions are incorporated into the program/show over time. Trewitt is silent as to separate tiers of questions, based on when the chronologically responses generated by the question can be integrated into a story. Abelow teaches on paragraphs 0166 0275 0278 scale questions running different type of questions which automatically specify the first and third categories while having to attach only the on task questions to varying trigger points. Different questions and sets of questions during product development. The responses are used over time to improve the product. It would have been obvious to a person of ordinary skill in the

art at the time of Applicant's invention to have included the teachings of Abelow of

structuring the query in a multi-tiered hierarchy in order to receive follow up answers

and really get to know how a customer feels about a specific subject and use this

information for development of a product/service/show.

With respect to claim 23, Trewitt further teaches the receiving being performed

via the Internet (Figure 1, 160).

With respect to claim 25, Trewitt further teaches the data being transmitted to a

broadcast center server 110.

Claim 26 further recite that the feedback message is to be incorporated into the

script of a show scheduled for broadcast within seven days. Trewitt teaches that the

feedback messages are incorporated into the broadcast show. Trewitt is silent as to

how long it takes for the user's feedback to be incorporated into the show. Incorporated

the user's input within seven days will allow proper and ample of time for the show to be

edit with the new content. It would have been obvious to a person of ordinary skill in the

art at the time of Applicant's invention to have included incorporating the user's input

within 7 days in order to obtain the above mentioned advantage.

Claims 28-33 further recite that the query further comprises a prequel-mercial to

gather feedback for initial episodes, to educate the audience about the show, promote

the show, to provide portions of the storyline that are supportive of the show. Trewitt

doesn't specifically teach that the questions/query comprises a prequel-mercial to

gather feedback for initial episodes, to educate the audience about the show, promote

the show, to provide portions of the storyline that are supportive of the show. Official

notice is taken that it is old and well known in TV shows to place commercials promoting

responses to shows, educating the audience of the upcoming shows in order to promote

the upcoming events. For example, previews of upcoming shows promote audience

participation and viewership of the show, as well as educate and promote the show and

shows the viewers mini-portions of the upcoming shows, the viewers feedback is

measure by the viewership of the show. It would have been obvious to a person of

ordinary skill in the art at the time of Applicant's invention to have included query of

prequel-mercial to garner feedback for initial episodes, to educate the audience about

the show, promote the show, to provide portions of the storyline that are supportive of

the show in order to obtain the above mentioned advantage.

Claim 34 further recites that the prequel-mercial comprises product placement

advertisement within said storyline. Official notice is taken that it is old and well known

in marketing to provide advertisements/information/products related to the information

that the user is viewing. For example, certain websites will provide advertisements or

the like based on the content of the web page that the user is viewing. It would have

been obvious to a person of ordinary skill in the art at the time of Applicant's invention to

have included prequel-mercial comprises product placement advertisement within said

storyline in order to better target the product placements.

Claims 35-41 and 42 further recites the feedback messages being filtered based

on whether said message is corresponding is responding to an editor-driven , a director,

a writer driven or an Online request. Trewitt is silent to filtering the message based on

where the message came from. Official notice is taken that it is old and well known to

filter information based on the source that the information came from in order to

organize and better analyze the information obtained. It would have been obvious to a

person of ordinary skill in the art at the time of Applicant's invention to have included to

filtering the message based on where the message came from in order to obtain the

above mentioned advantage.

Claims 43-45 further recite one or more characters web portal that enables user

to purchase an item worn by said character in said show. Trewitt is silent as to

characters as web portals which enable the users to order items order by said

characters. Official Notice is taken that it is old and well known to make

item/products/services as web portals in order to allow ordering/hyperlinking to

products, services and characters. Using the same concept on actors/characters on a

show will allow for easy accessing information and buying products related to the

characters.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Trewitt in view of Abelow further in view of Slaney et al. (6,968,565 hereinafter Slaney).

With respect to claims 46-48, Trewitt teaches a computer that transmit Internet

queries to an audience of a broadcast show, wherein said broadcast show is one of a

series of shows, with at least one subsequent show of a series of shows not yet

broadcast (i.e. the system receives feedback from viewers of a broadcast program, the

program having different segments and using the user's reactions over time for program

variations)(line 1, lines 64 to col. 2, lines 1-5); a computer that receives and stores

responses to said Internet queries (i.e. the gathering the feedback and storing it in order

to use it over time in different segment of the program)(col. 2, lines 2-5 and col. 5, lines

39-44).

With respect to said query provided by way of a multi-tier questions hierarchy

comprising separate tiers of questions, each questions assigned to a tier based on

when chronologically the response generated by the question can be integrated into

said story. Trewitt teaches the response of the questions are incorporated into the

program/show over time. Trewitt is silent as to separate tiers of questions, based on

when the chronologically responses generated by the question can be integrated into a

story. Abelow teaches on paragraphs 0166 0275 0278 scale questions running

different type of questions which automatically specify the first and third categories while

having to attach only the on task questions to varying trigger points. Different questions

and sets of questions during product development. The responses are used over time

to improve the product. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Abelow of structuring the query in a multi-tiered hierearchy in order to receive follow up answers and really get to know how a customer feels about a specific subject and use this information for development of a product/service/show.

With respect to a computer that tracks each of said responses based on one more characteristics of corresponding responders and making storyline recommendations based on said responses, said recommendations based on one or more geographic areas of said responders and customizing said broadcast into group sharing said characteristics. Slaney teaches television programs targeted based on viewer's location (col. 21, lines 21-44). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included customizing the broadcast based on the group user's geographic/profile characteristics in order to broadcast a customized and tailored program based on the group's selection.

(10) Response to Argument

Appellant argues that Abelow doesn't teach each question assigned to a tier based on when chronologically the questions can be integrated into the story. The Examiner disagrees with Appellant because Abelow teaches scale questions which are different type of questions geared toward different trigger points in the product development. In the product development system of Abelow, the users are asked certain questions about the product at specific points in time and their responses are

used in the future development/improvement of the product. Thus, it separates the

questions into at least three tiers: prior to use, during use, and post use. (paragraphs

0166 0216 0275 and 0278).

Appellant argues that Abelow is not directed to television shows. However, the

claims were rejected as being obvious over the combination of Trewitt in view of

Abelow. Thus, the Appellant is arguing against the references individually. One cannot

show nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871

(CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Trewitt already teaches receiving viewer feedback in response to questions about a

television show and using the feedback to adjust the storyline in future episodes of the

television show (see Figure 3 and col. 2, lines 2-5 and col. 5, lines 39-44). While Trewitt

does not explicitly disclose that the questions are arranged in tiers based on when the

responses can be integrated into the storyline, it is at least implied (i.e. the viewer

cannot respond to a question about a future episode). Furthermore, Abelow discloses

a product development system in which the users are asked certain questions about the

product at specific points in time and their responses are used in the future

development/improvement of the product. Thus, it separates the questions into at least

three tiers, as discussed by the Appellant: prior to use, during use, and post use. In an

on-going serial program (e.g. soap opera) it would have been obvious to separate the

questions chronically, so that the viewer is responding to a current or recent episode

instead of one that ran over a year ago.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Raquel Alvarez/
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